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Report to the President for the Year, 1968-69

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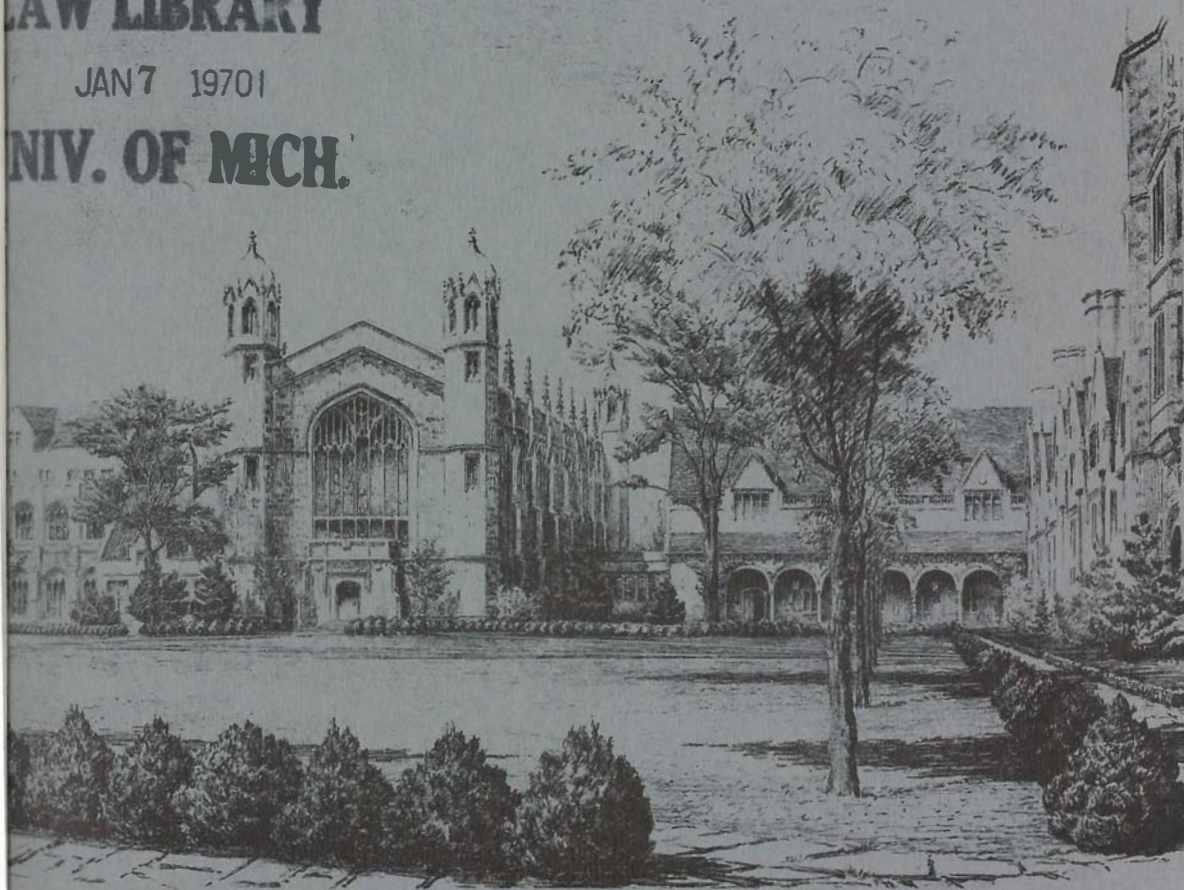
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Report to the President of the University for the Year, 1968-69

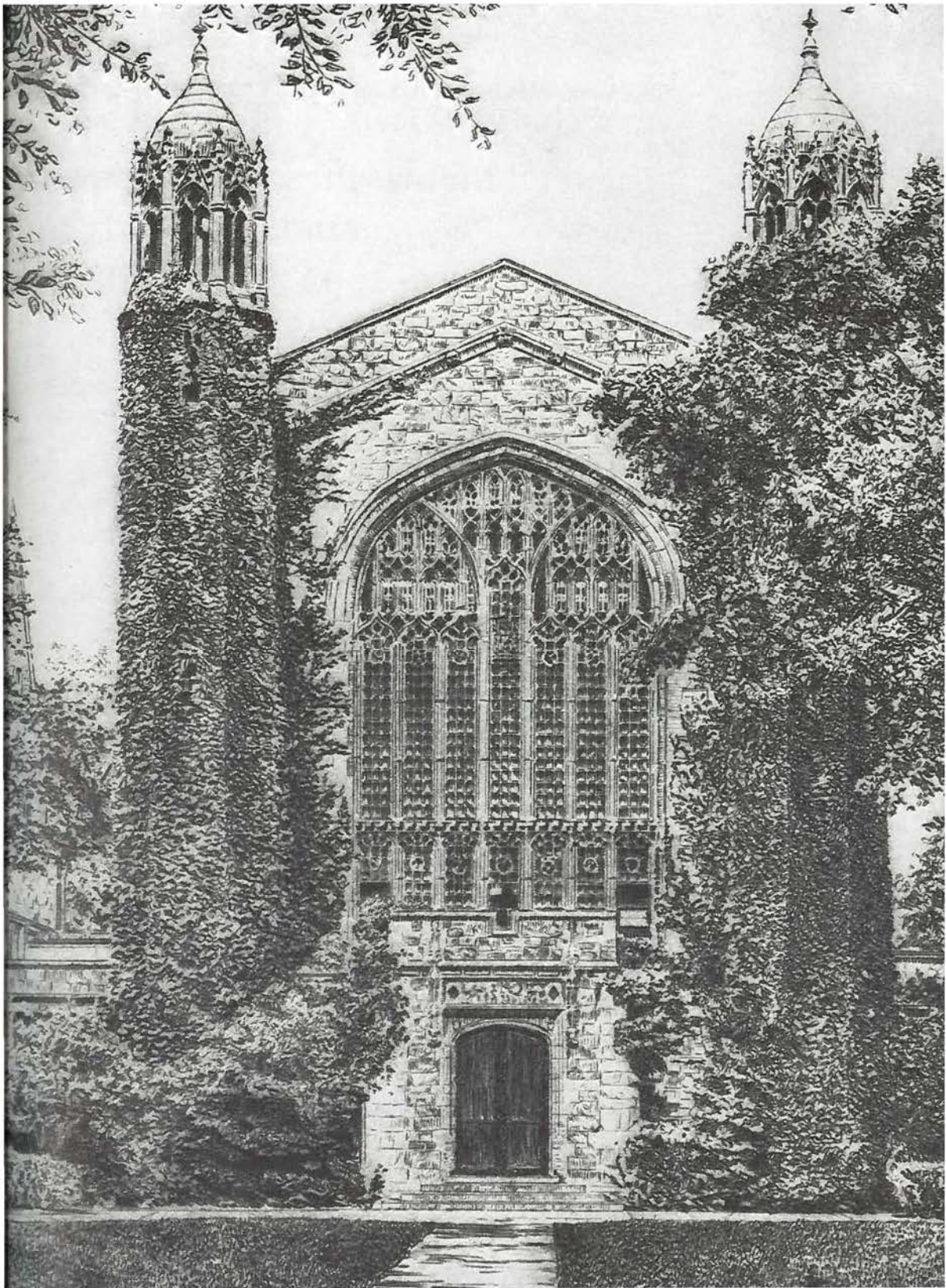
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THE UNIVERSITY OF MICHIGAN LAW SCHOOL



THE UNIVERSITY OF MICHIGAN LAW SCHOOL

Report to the President of the University for the Year, 1968-69

President Robben W. Fleming
Ann Arbor, Michigan

Mr. President:

This is the third of my annual reports to the President of The University of Michigan, and the second which I have had the privilege of addressing to you. The writing of this report again demonstrates the difficulties of describing an institution as complex as the Law School, and of conveying an accurate sense of the changes taking place, not only in the School, but in the context in which the School is operating. These difficulties, of course, are of many sorts. One of them stems simply from the fact that much that is significant in an institution's development is the product of a series of small events or measures, no one of which can be given extended attention and many of which cannot be mentioned at all in a report of this kind. The cumulative effect of these small steps over an extended period, however, may be of great importance.

Perhaps I can provide an illustration of what I have in mind. From the time I first visited the Law Quadrangle some years ago, I was oppressed by the monastic gloom of the first-floor corridors of Hutchins Hall. It seemed unfortunate that the initial impression received by many visitors to these beautiful buildings was of dark halls and vaulted ceilings, with bare light bulbs shining remotely at the apexes of the arches. I was reminded more than once of Milton's description of the illumination of Hell—no light is produced but the darkness is made visible. I am happy to report that this situation in Hutchins Hall, at least, has been corrected.

With the University's assistance, chandeliers of appropriate aesthetic design have been installed, which produce much greater illumination and bring the light sources closer to the human population of the corridors. Other like developments include the replacement of the ancient elevators in Hutchins Hall and the Legal Research Building, elevators described as "automatic" forty years ago in an excess of hope and charity. Progress has also been made in the physical renovation of the Lawyers Club, but a long and difficult road must be travelled before that task is completed. I have no doubt that developments of this sort are important even though an estimate of their total impact on the School remains elusive.

Not all changes in the life of an institution, however, are molecular—particularly in these times. Some of the changes that the School has experienced since the beginning of my tenure three years ago have been rapid, dramatic, and portentous. I should like to make one cluster of these changes the principal focus of my remarks.

In the course of the academic year just past I directed that each student in the Law School receive a printed copy of my Report to the President for the year 1967-68. In so doing I hoped to expose the students to a view of the School and its mission which is apparently difficult to communicate in other ways. The response was not overwhelming. Indeed, the only reaction reported to me was a criticism that the Report had too little to say about the students. I have long since discovered that the present group of students (even as their fathers were) are extremely interested in themselves. Accordingly I accepted the comment as a manifestation of a healthy and normal narcissism. Reflection has led me to the conclusion, however, that the complaint had more substance than I originally acknowledged. It is surely true that current student interests and attitudes are of prime importance in producing the changes the School is experiencing and in determining the potential of the School for distinguished service in the future.

The statistics of the student body are interesting but hardly astounding. Despite the threat of serious losses in enrollment posed by military recruitment policy, a total of 1,068 students registered in the fall semester, 1968, a figure at about the same

level reached in other recent years. The cosmopolitan character of the student body, which is one of the School's great strengths, is demonstrated by the fact that our students came from 60 states and foreign countries, and that 210 undergraduate schools were represented. As has been true for several years, the academic credentials of those entering the first-year class were very high. The year also showed an extraordinary increase in the number of applications for admission, following upon a succession of record years in this respect. Of the 1,068 students registered, 35 were graduate students. Sixty-seven were women. Twenty-seven black students were enrolled and four were graduated, reflecting the efforts initiated in 1966 to recruit and provide financial support for minority group students. That program is being continued and is deserving of support.

Information such as this, whatever its inherent interest, does not reveal what is of central importance: namely, the intellectual, social, and ethical attitudes that students now enrolled in the School bring to their professional studies. That these attitudes and commitments are in some measure distinctive when compared with those of earlier student groups should evoke little surprise, for they are the products of experiences in some measure peculiar to this student generation. It is significant, I think, that for the first time in the fall of 1969, the School will have a student body composed almost entirely of persons whose experience with institutions of higher education has been confined very largely to the period following the first dramatic instances of organized student protest which erupted at Berkeley in the academic year, 1963-64. Most of those who will begin their third year of law studies in the fall of 1969, were college freshmen in 1963-64. What has happened since that time? Optimistic dreams of the success of the civil rights movement withered and died on the campus, to be followed by events sufficiently identified by names like Watts, Newark, Detroit, Washington, D.C., and Chicago. Political and social leaders deeply admired by students were murdered: Dr. Martin Luther King, the two Kennedys, Medgar Evers, and other civil rights workers. The Vietnam War festered. And all the while protest on the campuses over-shadowed almost every other aspect of university life.

The present student body is thus the product of a Time of

Troubles on the campuses. Indeed, most of the students have observed the universities in no other circumstances. That these special experiences have bred somewhat special attitudes in the students is surely to be expected. Among other things, these events and this environment have created in many sensitive young people a more intense, more personalized, and perhaps more accurate sense of the crises of this time than can be achieved by most persons of more advanced years. The cry of the students for more effective avenues of communication is thus soundly based, whatever reservations one may have about the particular modes of communication advanced and supported by some student groups.

On the other hand, it would be a serious error to romanticize the present situation. Student commitments and attitudes that now reveal themselves in the law schools as well as in other parts of the university are, after all, the result of very special and, to some extent, confining experiences. A period of crisis is not an ideal time to engender in students either tolerance for or understanding of those intellectual values which constitute the basis of liberal education and of its specialized form known as legal education. Much unease has been created in the public at large by the numerous instances of violence and disruptive tactics associated with student protest on campuses across the country. This concern is surely understandable; and when such episodes occur, they must be confronted and contained by university administrations. Yet one may wonder whether, in the long run, the more serious problem is, not law and order on the campus, but the possible triumph of attitudes and values which, in some instances, seek to convert the universities into political pressure groups to achieve social objectives variously defined, which are essentially non-intellectual or even anti-intellectual in character, and which if they prevail in their more virulent forms will incapacitate the universities from performing the functions that are uniquely theirs in the years ahead. There is an irony here that can hardly be escaped. Is it possible that the primary threat to the intellectual values which underlie any genuinely educational undertaking is posed today by some members of the most, and perhaps the best, educated generation in history?

It is clear, of course, that the attitudes and assumptions I am discussing are not entertained by all students in the universities,

certainly not by all students in the Law School. Those who hold to other values, however, have proved remarkably reluctant to voice countervailing views. Moreover, the attitudes I am discussing are intellectual attitudes rather than political or social positions. Students with very different social philosophies may reveal similar intellectual proclivities. Thus the law student of strong professional commitments may reveal the same impatience with theory or the same skepticism of rationality displayed by the student whose primary objective appears to be the reform or elimination of existing social institutions.

In the paragraphs that follow I propose to identify some of these attitudes and assumptions.

Attitudes toward "The Word". "In the beginning was the Word," said St. John. Whatever the meaning or significance of this assertion as a theological or cosmological proposition, it contains a fundamental truth about liberal education and legal education. The universities of the western world have been dedicated for a millenium to the production of certain basic intellectual skills and the nourishment of values that derive from and support these skills. These capacities and values, because they are fundamental, may be said to be the beginning of education. Because they are never fully mastered, they may also be regarded as a continuing end or objective of liberal education. The skills and values to which I refer are those of reading, writing, and reasoning, a strong repugnance for the abuse of rhetoric, and a dedication to the arts of reasoned articulation. The acquisition of such capacities has never been easy, and there is nothing new about the complaints of students who are subjected to the disciplines these skills impose. What is perhaps new on the campuses, and certainly in the law schools, are the frequently expressed doubts of students about the importance of these skills, or at least of their primacy, and a resistance to educational programs designed to foster them.

The student attitudes to which I refer are expressed in a variety of forms. One of these most frequently expressed among some law students is a vocal impatience with meticulous classroom analysis of the reasons advanced by a court or agency to justify its result in a particular case. The only thing that matters, it is said, are the realities of power; the reasons are a disguise and a camouflage; those who indulge in such efforts at reasoned articulation are

simply engaged in a cosmetic function. Students holding to this hard line are likely to be unimpressed by the observation that a sound idea persuasively developed is itself a source of power, and one that lawyers in particular have traditionally exploited, often to the substantial advantage of the community.

There is also a soft line. Thus it is sometimes implied that the strenuous disciplines of reasoned articulation need not be endured by those seeking lives of involvement in social action: what is most necessary to correct the ills of our time is moral commitment, purity of motive, and abundant energy. One does not condemn moral commitment by suggesting that effective social action also demands the application of disciplined intelligence. After observing and participating in reform efforts for over two decades, I am impressed by how frequently the Children of Darkness prevail over the Children of Light, even in situations in which the former represent no clear preponderance of political and social power. As I have stated to several entering classes of first-year students, one reason for this is that often the Children of Darkness, unlike their adversaries, have learned to do their homework.

It is clear, of course, that many student attitudes of this sort reflect modern currents of thought that are explicitly anti-intellectual, which exalt unreason, and which the students now on the campuses had no part in creating. In this century the attack on rationality has become a leading feature of speculation whether in literature, philosophy, politics, historical research, or even in the law itself. Oddly enough, the cultivation of rationality is an ideal under weighty pressure on the campuses, and this pressure comes by no means from the students alone.

No one, of course, could deny that grave sins have been committed in the name of reason. One needs to be rational about his rationality. This surely requires a sensitive recognition that man does not live by reason alone, and that other aspects of human experience and personality can be ignored only at peril. It is also true that in the modern world we have placed scientific technology and other products of human rationality in the service of ignoble social, economic, and military goals. Yet one might surely urge that the indicated response is not the embracing of unreason, but the creation of new goals. Despite the modern indictment of rationality, I confess that I know of no society that

foundered from a surfeit of reason, and that I observe no imminent peril of that condition developing in our own society. However this may be, I am clear that lawyers cannot surrender fidelity to the ideal of rationality and the skills of reasoned articulation without sacrifice of the distinctive functions they are called upon to perform in this society, and hence their reason for being.

“Relevance”. One of the more regrettable phenomena of American life is the reckless destruction of useful language. Madison Avenue is a prime culprit, but residents of university campuses have contributed more than their fair share to the slaughter. Indeed, our intellectual landscape is cluttered with the dead husks of words, drained of meaning, and useful only as slogans calculated to stifle thought rather than to advance it. Thus, on the campuses we avoid “confrontations” by “meaningful dialogue,” all in the interests of “participatory democracy.” One must add “relevance” to any such list of recent campus slogan-words.

Because no one is likely to covet or defend irrelevance, one might wonder what purpose such a slogan serves. It would be an error, however, to conclude that all student talk about relevance of curriculum and instruction is devoid of substance. Social changes are, in fact, taking place which affect the relative importance of subject matters, and the changes typically occur more rapidly than do the institutional responses. Moreover, modern students, like students of other periods, are interested in the world of their own time. Good teaching has always identified these interests and, wherever possible, exploited them. It is unfortunately true that some teachers, including some in the law schools, have been slow to grasp these pedagogical opportunities.

Nevertheless, the cry for “relevance” has its disquieting aspects. In many cases it reveals the willingness of students to impose upon themselves (and their fellows) quite arbitrary limitations on what they will consent to become interested in. “Relevant” knowledge, as understood by these students, is only that which is immediately and obviously applicable to some (but by no means all) problems of current importance. One of the difficulties with any such simplistic approach is that social change, whether the product of evolution or revolution, is effected for the most part, not by

devices that are totally new, but by new applications of old ideas and devices. A lawyer who denies himself thorough knowledge of the old devices, therefore, is likely to deprive himself of any role in effecting social change except that of an agitator. There is a second problem: students who hold to such conceptions of relevance doom themselves to early obsolescence. In the flux of these times the one thing clear about any body of knowledge perfectly adapted to today's problems is that it will be outmoded tomorrow. An educational program designed for persons whose active careers will extend well into the twenty-first century, needs to anticipate and prepare for tomorrow's problems. This in turn requires that a significant part of a great university's or law school's program be designed to keep the present at arm's length, so that thought can be taken of the future. One of the heaviest costs of current campus unrest may well be that it has coerced so much of the attention of the universities to the crises of the moment that consideration of tomorrow's problems is being neglected. As a result we are likely to be as unprepared to meet the problems of the next decade as we were to deal with those that now threaten to engulf us.

There is one further aspect of today's talk about "relevance" that should be noted. As a colleague of mine wisely observed, some of these assertions may represent an inarticulate groping by students toward an approach to law studies that much more directly and candidly considers the factual and social context in which the law operates: in short, a new "sociological jurisprudence." There are many on the faculty of this School who believe this to be a necessary and desirable development. I would be both humiliated and gratified if our students were to say: "The legal order prescribes measures and sanctions without knowing what measures are required or what the consequences of its action are. We face a crisis in the administration of justice of major proportions. We do not know how to solve it because in many respects we literally do not know what we are doing. Moreover, even yet we are not really trying to learn." I would be humiliated by the indictment, for it seems to me essentially true; but I would also be gratified, for such a statement would imply a willingness of the students to embark upon an intellectual adventure and to seek things not presently known. Too often, unfortunately, the cry for

relevance does not signify a student's desire to probe the unknown. On the contrary, it may constitute a demand for instruction that is essentially propagandistic in nature, its purpose being to reiterate and reinforce certain propositions (mostly about the corruptions of modern society), all of which are perfectly well known at the outset and the truth of which is assumed to be already fully established. Whatever virtues such instruction may possess as religious ritual or group therapy, it has no perceptible relation to liberal or professional education.

"Moral Commitment". No survey of student attitudes can sensibly exclude notice of the moral commitment and moral revulsions of many modern young people, including many now enrolled in the law schools. It is no part of my purpose to deny that much of their moral indictment of American society has point and bite, that evils have been brought to light toward which those of us who are older have displayed a formidable tolerance, and that by identifying evils and dramatizing their existence, young people have provided the dynamics for reform and correction which perhaps could not, or at least would not, have been produced in any other way. Much of whatever is hopeful about the present resides precisely in the dedication and concern of those making up the student population of the campuses.

Other generations, however, have been required to learn a painful truth: namely, that every distinctive attitude that men may take toward the world is accompanied by pathologies to which that attitude is peculiarly vulnerable. There is now sufficient evidence to indicate that the present student generation is not exempt from the operation of this principle. The pathologies to which moral fervor is peculiarly susceptible are fanaticism and self-righteousness. It is not my purpose to enumerate the social perils associated with these illnesses; but if it were, there is no age, including the present, that could not be called upon for demonstration of the misery and havoc which are the consequences of religious, moral, and political fanaticism. One of the products of the moral convictions of many students is a strong egalitarian surge. Almost by definition this encompasses a deep suspicion or hostility to the notion of the elite, whether of wealth, social position, intellect, or talent. The distressing tendency of most elites to attend more assiduously to the privileges than to the

responsibilities of their members makes this attitude at least intelligible. There is one form of elitism, however, which these students appear to embrace rather than reject, and that is moral elitism. Yet the examples of Geneva and Puritan New England hardly generate a greater confidence in the concept of the moral elect than in other kinds of aristocracies.

Intellectual endeavor, like other forms of human activity, possesses a moral dimension. This is a fact apparently overlooked by a good many modern students. When Holmes spoke of the necessity of a man's being willing to reexamine "his own first principles," he was not simply describing an embellishment attractive in a cultivated gentlemen. He was, on the contrary, speaking of a moral commitment upon which all intellectual activity worth the name is based: Resist the placing of blinders on the mind. It is here that fanaticism of any variety reveals its radical incompatibility with the requirements of the intellectual life, and (I believe) those of a professional life. One who undertakes to live by these rigorous requirements suffers certain losses in moral certainty, but he also avoids the persistent temptation to substitute moral certainty for the hard work of investigation and demonstration. The real question is whether the modern student who resists addiction to fanatical messianic visions is nevertheless capable of retaining his morale for the hard and discouraging work of reshaping his society. This, of course, is a question that is put to us all, not only to the students. I believe that a good part of the future of law schools, universities, and society turns on how this question is answered.

The foregoing is intended to communicate a sense of challenge rather than calamity, and I am confident that the challenges will engender constructive responses. Nevertheless, the problems are real, and they lead me to the rueful conclusion that faculties of law schools have not yet outlived their usefulness. The intellectual attitudes of many law students, expressed in widely differing degrees of clarity, are among the most important realities in law teaching today, and pose a specific *teaching* responsibility upon the faculty, different in some measure from those associated with graduate instruction in the past. These new responsibilities are likely to prove onerous to some of us. Many of those who elected

a teaching career did so to serve in the vanguard of society and derive the satisfactions obtained from contributing to the unfolding of a new era. Members of law faculties continue to bear critical responsibilities for devising the mechanisms of constructive social change. Indeed, these responsibilities have never been so great and numerous as at present. But for many teachers it is not a happy realization that a substantial part of their "relevance" for the present consists of resisting rather than advancing some of the main tendencies of the time, and of upholding the traditional intellectual values that those tendencies imperil. No larger obligation has been visited upon a group of teachers, however. In my judgment, the responsibility will be embraced and performed.

FACULTY

In the University year, 1968-69, the faculty consisted of fifty-two persons at the assistant professor rank or higher. This figure does not include emeritus members of the faculty, but does include several who are on full-time administrative assignment in the Law School or in the University.

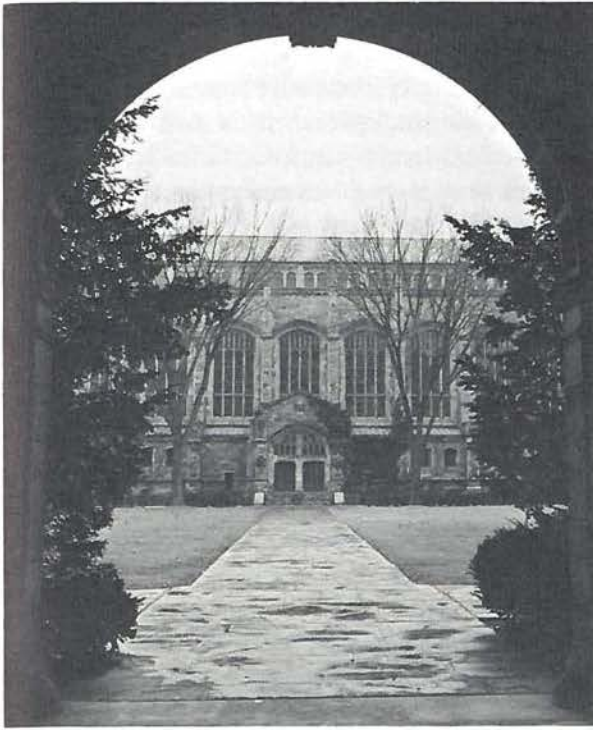
The year again demonstrated the vigor and productivity of the faculty. In addition to performing teaching obligations for a student body of over one thousand, the faculty produced well over a dozen major volumes and a host of other publications covering a remarkably diverse spectrum of subject matters. The complex and time-consuming committee work that is apparently inevitable in a great Law School in these times was attended to; and, as has been true for many years, the law faculty proved highly attractive and highly vulnerable to University committee assignments. These commitments did not prevent the faculty from engaging in a bewildering array of public-service activities at all levels of government, in bar association and continuing legal education programs, in learned societies, and in other arenas. A list of faculty publications and activities is appended to this report.

In the course of the year just past assistant professor appointments were made of two outstanding young lawyers, David L. Chambers and G. Joseph Vining. Mr. Chambers was graduated from Harvard Law School, practiced in Washington, D.C., was a member of the original staff of the National Commission on Civil

Disorders, and served in the Executive Office of the President. He will teach criminal law, welfare law, and in related areas. Mr. Vining is a Harvard Law School graduate, practiced in Washington, D.C., served in the United States Department of Justice, and was Assistant to the Executive Director of the President's Commission on Law Enforcement and the Administration of Justice. He will teach criminal law and corporations. Near the end of the University year, Associate Professor Thomas E. Kauper was granted leave to serve as Deputy Assistant Attorney General in the Office of Legal Counsel of the United States Department of Justice. Associate Professor Richard B. Sobol and Assistant Professor John G. Kester resigned from the faculty to reenter private practice or government service.

Over the years, visiting faculty members, some from other American universities and others from overseas, have contributed importantly to the life of the School. This was true of the year just past. Professor Herman Schwartz of the State University of New York at Buffalo taught in both the fall and winter semesters. He gave courses and seminars in criminal law, antitrust, and communications law. Two other visitors from American law schools taught in the fall semester. Professor Lawrence Herman of The Ohio State University taught courses in criminal law and family law, and Professor Kenneth W. Graham, Jr., of the University of California at Los Angeles, gave the courses in Trials and Appeals and Evidence. In addition, Visiting Professor Victor H. Li gave instruction in Chinese law and communist law; Visiting Lecturer Dale B. Furnish offered a seminar in Latin American law; and Visiting Lecturer Horace Gilmore taught the course in legal ethics and professional responsibility. Visitors in the summer session of 1968 included Professor John G. Fleming of the University of California at Berkeley, Professor Steven B. Duke of Yale, Professor Robert A. Gorman of the University of Pennsylvania, Professor Kenneth W. Graham, Jr., of the University of California at Los Angeles, and Professor Eugene C. Roemele of Boston University. Instructors in the Problems and Research course were Theodore G. Johnsen, Laird C. Kirkpatrick, Nathaniel C. D. LeRene, Mrs. Virginia Nordin, and Mark R. Spiegel.

One of the prominent features of the Law School is the important role played by foreign legal scholars and visiting



teachers from foreign universities. Some time ago the Netherlands government and the University established a program which brings a distinguished scholar from the Netherlands to the campus each year. In 1968-69 the Netherlands Professorship was awarded to the Law School, and Professor Henricus G. Schermers of the University of Amsterdam was in residence. Professor Schermers taught in the areas of international law and organization. In the fall semester Professor Karl Doehring of the University of Heidelberg collaborated with Professor Paul Kauper in a seminar in comparative constitutional law. Professor Gerhard T. Grossfeld of Göttingen University conducted a seminar in European company law in the spring term. He also taught smaller segments of several other courses. In addition, a substantial number of visiting scholars from European and Asian universities were in residence at the School at various times throughout the year.

LAWYERS CLUB

As was stated in last year's report, serious problems have arisen which have placed the future of the Lawyers Club as a student residential facility in doubt. Contrary to a widespread impression, the donor of this unique facility did not endow its maintenance and renovation. Over forty years have elapsed since these buildings were first put into service. Basic renovation remains to be completed and much of the equipment and furnishings replaced. The Lawyers Club was an early expression of the "residential college" concept that has attracted so much attention on university campuses in recent years; and there can be little doubt that the Club has contributed importantly to the educational experience this School affords. Caught in the inflationary spiral, the Club is not able to meet the expenses of renovation and replacement out of current revenues. Due to the assistance of the University, some progress has been made in the year just past in meeting the financial problem. Substantial outside assistance will be required, however, if the future of the Club as a residence facility for students is made secure.

PLACEMENT

The placement service of the University of Michigan Law School is widely regarded by lawyers as one of the most effective programs of its kind in the American law schools. Although deans and faculty members for generations have advised and assisted graduating students seeking positions, formalized placement programs directed by permanent staff personnel are a relatively recent development in most law schools. Obviously a law school placement service is not intended to substitute for the student's initiative and enterprise in locating job opportunities and arranging contacts with prospective employers. Of necessity the Law School's program can only supplement measures taken by students in their own behalf. In some instances a placement service may take the initiative in uncovering job opportunities which the employers have not communicated to the School, but limitations of staff and resources dictate that these efforts will be modest in scope and depth. Committees of bar associations in some localities have collected detailed information about employment opportunities in their cities and areas, and communicated this information to law school placement offices. These are useful undertakings, and I hope that many such surveys will be initiated in localities of every size throughout the country. In this fashion the bar can serve its own interests, those of the students, and of the law schools.

The Placement Office performed usefully and effectively in 1968-69. Records for the year indicate that 278 members of the graduating class registered with the office and that by the end of the year, 245 had reported professional or other employment. In addition, 140 second-year students registered with the office, and 76 reported summer employment in law offices or in other legal capacities. Some 272 interviewers visited the School, which is probably an all-time high. About 3,300 individual interviews were conducted. Over 900 job opportunities were publicized. It is worthy of note that substantial numbers of graduating students in each quarter of the class standings were placed through the Office's activities and assistance.

Of the 245 students reporting placement, 121, or about one-half, entered private practice. Sixteen took employment with

state or federal governmental agencies, and ten more entered VISTA and the Peace Corps. Thirty-five of our graduates received judicial clerkships, fourteen with federal judges and 21 with state judges. The balance of those placed accepted employment with corporations, insurance and accounting firms, educational institutions, and other organizations. Twenty accepted fellowships for graduate study either at home or abroad.

LIBRARY

The contributions of the Library and its staff to the instructional and research programs of the School are almost beyond calculation. These contributions are changing both in kind and quantity due to the greater demands of the teaching program, changes in the scope, style, and amount of faculty research, and the proliferation of publications relevant to a modern law school. The Library's collection, which is one of the largest in the country and which in many subject-matter areas is unrivalled, continues to grow. In 1968-69 there were 13,701 net accessions, bringing the total collection to 393,803 volumes as of June 30, 1969. This growth emphasizes and makes more acute the critical space shortage facing the Library. The increased and changing demands for services of the Library point to the needs for better designed facilities, as well as for increased shelf, carrel, and reading area capacities. Whatever temporary expedients can be resorted to at the moment, new and additional library quarters are a pressing necessity to which response must be made in the very near future.

STUDENT FINANCIAL ASSISTANCE

As I have pointed out on several recent occasions, the providing of adequate financial support to worthy and needy students at the Law School requires our constant attention and effort. Increased tuition charges in recent years and rises in other costs of professional education make the meeting of this responsibility increasingly difficult. The historical role of the legal profession as one of this society's principal avenues to achievement and distinction for young men and women born into deprived economic conditions, needs urgently to be performed today. This

School can take justifiable pride in its efforts over the years to assist needy students to receive an outstanding legal education. Some of our most distinguished graduates were students who could not have come to this School or graduated from it but for the financial assistance made available to them by the School. In providing this help the School has made an important contribution to the profession and to the nation. It is a legitimate matter of pride, also, that the overwhelming fraction of this support has been contributed by alumni and friends of the School.

In 1968-69, the Law School provided a total of \$510,874 in student financial aid, as compared to \$483,825 the previous year. Of the total supplied in the year just past, \$213,995 was granted as loans, \$155,800 as moral obligation awards, and \$141,079 as scholarships and prizes. In addition to the assistance provided from Law School funds, other support was received by our students in the total amount of \$392,525, the larger share of which is accounted for by state and federal guaranteed college loans obtained by the students from local banks. The total of \$903,399 known to have been received by our students from all sources is a substantial sum, but the continuing and increasing needs outrun the resources available.



PRIVATE GIFTS AND CONTRIBUTIONS

In these times the traditional distinctions between "public" and "private" institutions are rapidly losing much of their significance. Private universities subsist in large measure on governmental financing of a host of educational and research operations. Public institutions are discovering that legislative appropriations cannot be depended on to fund many needs for research, physical facilities, and student financial assistance that must be satisfied to maintain even an adequate educational program. There are few institutions which make this point more clearly than the University of Michigan Law School, for the School is both "public" and "private"; and the level of private support is the factor that today, as in the past, is the source of much of the School's distinction and of its capacity to render distinctive educational and public service.

I am happy to report that the Law School Fund's annual campaign, under the dedicated leadership of its National Chairman, Mr. Benjamin M. Quigg, Jr., of Philadelphia, resulted in another record year. By the time the campaign concluded on January 31, 1969, a total of \$233,339.31 had been contributed by 3,537 donors. For those who have not been close to such an endeavor, it is difficult to comprehend the quantity of effort, thought, ingenuity, and enthusiasm that must be invested to achieve a successful result. It is a source of great pride to the School that it is able to attract such efforts and support from its alumni and friends.

The Law School Fund, gifts in the form of testamentary bequests, and other kinds of giving, which have contributed so greatly to the distinction and freedom of the School in the past, take on an even larger importance when the needs and challenges of the future are considered.

Respectfully submitted,

A handwritten signature in dark ink, reading "Francis A. Allen". The signature is written in a cursive style with a large, stylized initial "F".

Francis A. Allen
Dean

July 1, 1969



Faculty Publications, 1968-69

DEAN FRANCIS A. ALLEN

The Borderland of Criminal Justice: Essays in Law and Criminology. 2nd Printing. (U. of Chicago Press, Chicago, 1969).

"Criminal Justice, Legal Values and the Rehabilitative Ideal" in Quinney, *Crime and Justice in Society*. (Little, Brown and Co., Boston, 1969) pp. 449-59.

Statement before the National Commission on the Causes and Prevention of Violence, October 30, 1968, reprinted as follows:

"'Law and Order' On What Terms?", 12 Law Quad. Notes 5-8, 20 (Fall, 1968);

"Violence and the Law", 8 New City 7-12 (January/Feb., 1969); "Rights in

Conflict: A Balanced Approach," 3 Val. U. L. Rev. 223-32 (1969); "'Law and

Order' On What Terms?", Mich. Mun. Rev. (Vol. 42, No. 3, March, 1969)

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PROFESSOR WHITMORE GRAY

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PROFESSOR ARTHUR R. MILLER

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PROFESSOR ALAN N. POLASKY

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PROFESSOR PETER O. STEINER

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PROFESSOR RICHARD V. WELLMAN

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ASSOCIATE PROFESSOR JAMES J. WHITE

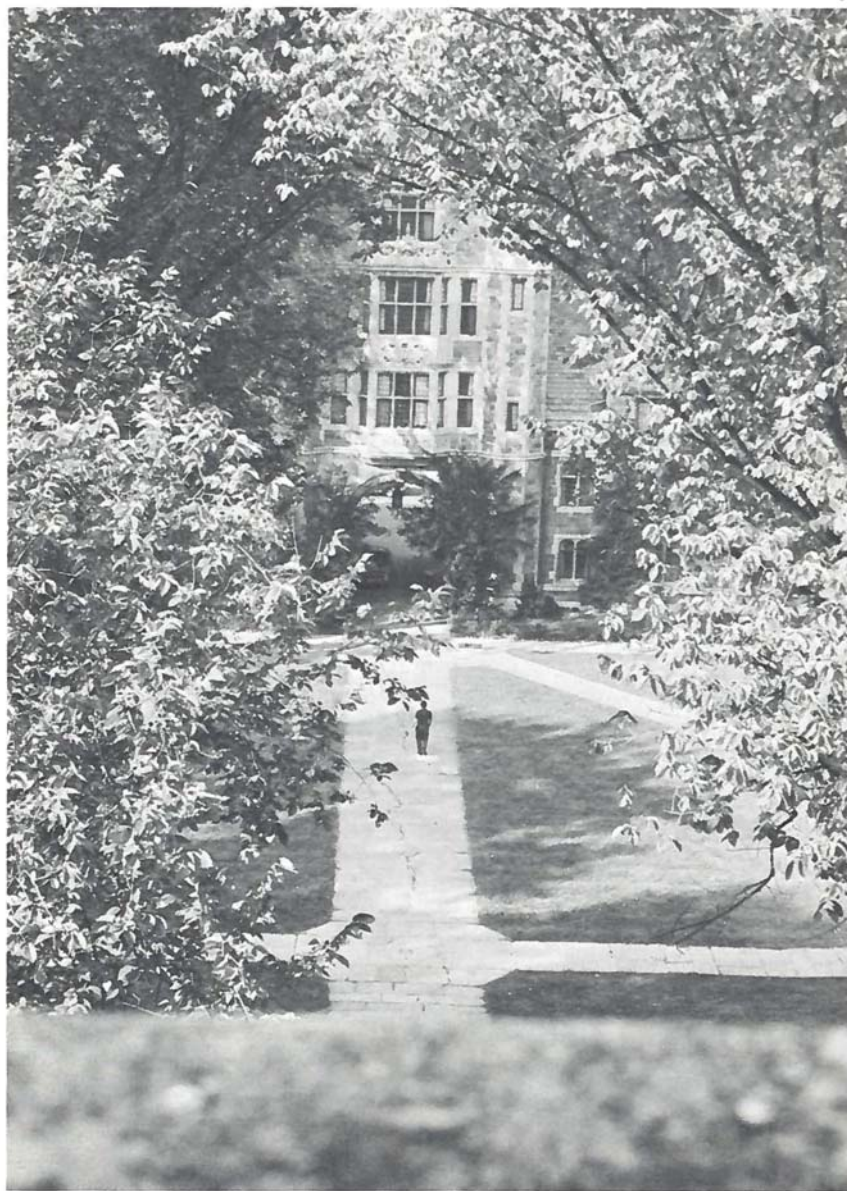
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PROFESSOR L. HART WRIGHT

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PROFESSOR HESSEL E. YNTEMA

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Faculty Activities, 1968-69

Dean Allen was elected to the Council of the American Law Institute. He delivered a statement before The National Commission on the Causes and Prevention of Violence, and addressed groups in Ann Arbor, Detroit, Grand Rapids, Chicago, Pheasant Run (Illinois), Elkhart (Indiana), San Diego, and Washington, D.C. . . . *Associate Professor Layman E. Allen* served as Editor of the *Jurimetrics Journal* and the *Journal of Conflict Resolution*. He was Chairman of the Teaching Methods Committee and a member of the Jurimetrics Committee of the Association of American Law Schools, and was a member of the Advisory Committee on Legislative Drafting and on Law and Technology of the American Bar Association. . . . *Professor William W. Bishop, Jr.* continued as Editor-in-Chief of the *American Journal of International Law*. He was a member of the Board of Review and Development and of the Executive Council of the American Society of International Law, and was elected honorary Vice President of that organization. He is a member of the Committee on Pollution of the Sea of the Institut de Droit International, addressed the Michigan Bar on "Vietnam and International Law" and served as a member of the International and Comparative Committee of the Michigan State Bar and was a member of the ABA Section on International and Comparative Law. . . . *Professor Olin L. Browder, Jr.* was Chairman of the ABA Committee on Rules Against Perpetuities. He served as Consultant to the Michigan Law Revision Commission. . . . *Mrs. Elizabeth H. G. Brown* continued to serve as Secretary of the Ann Arbor Building Authority. She acted as editorial assistant in preparation of the final report of the Michigan State Tax Project, and in connection with the same project drafted numerous bills which were submitted to the Michigan Legislature. . . . *Professor Paul D. Carrington* was a Member of the American Association of University Professors Committee on State Legislation Affecting Academic Freedom, was draftsman of the AAUP Statement on Anti-Riot Legislation, and was a member of the AAUP Investigating Team, University of Mississippi. He is Chairman of the ABA Ad Hoc Committee to Consider Joint Statement on Student Rights, and Vice Chairman

of the same organization's Committee on Civil Rights and Responsibilities. He is a member of the Boards of Directors of the Michigan and Washtenaw County American Civil Liberties Union, and is Director of the AALS's Curriculum Study. He delivered a report on American legal education to law school deans and professors in Bogota, Colombia. . . . *Assistant Professor David L. Chambers* was consultant to the National Institute of Mental Health in connection with a study of St. Elizabeths Hospital in Washington, D.C. . . . *Lecturer Robert A. Choate* addressed the Patent Law Institute for Engineers and the University of Michigan Engineering School. . . . *Professor Alfred F. Conard* is Editor-in-Chief of the American Journal of Comparative Law. He was Chairman of the Committee on Research of AALS; member of the Council, and of the International Business and Unincorporated Association Committees of the ABA Section of Corporation, Banking and Business Law; Trustee of the Law and Society Association; member of the Executive Committee of the Program on Social Science Methods in Legal Education; a member of the Advisory Council of the Study of Automobile Accident Insurance and Compensation in the United States Department of Transportation. He prepared proposed legislation on "automobile accident medical payments protection" for the Michigan Law Revision Commission. . . . *Professor Luke K. Cooperrider* was a member of the Mayor's Ad Hoc Committee on Police-Community Relations, continued as Chairman of the University Board of Student Publications, and engaged in research on intra-family immunities from tort liability for the Michigan Law Revision Commission. . . . *Professor Roger C. Cramton* was Consultant to the Committee on Judicial Review of the Administrative Conference of the United States and engaged in such projects as the statutory reform of the sovereign immunity doctrine. He is Coordinator of the 1969 Program of the AALS, addressed the Appellate Judges Conference at the Annual Meeting of the ABA, and was a principal draftsman of the new Michigan Administrative Procedure Act. . . . *Professor Roger A. Cunningham* was a member of the Special Committee on Problems of Condemnation and Land Use Control, Highway Research Board, National Research Council. . . . *Assistant Professor Charles Donahue, Jr.* was consultant to the United States Post Office Department and was one of the principal

draftsmen of the Postal reform bill, the "Postal Service Act of 1969" (H. R. 11750). He was also consultant on Postal Reform for the Bureau of the Budget, and on Disposal of the Alaska Communications System for the Office of the Secretary of the Air Force. He is a member of the ABA Public Utilities Section and of the Board of Directors of the Wayne County Legal Aid Society, and addressed groups on postal reform, draft law, and other topics. . . . *Professor Samuel D. Estep* was on leave for the Winter Semester and devoted three months to interviewing broadcasting personnel throughout Western Europe in connection with his comparative study of broadcasting regulation in Western Europe and North America. His travels took him to five cities behind the Iron Curtain. He served as a member of the Committees on Space Law and Atomic Energy and on Constitutional Law of the Michigan State Bar, the Special Committee of the ABA Committee on Atomic Energy, and the American Society of International Law Study Group on United States Foreign Policy with respect to Global Space Communications Satellite Systems. . . . *Professor Whitmore Gray* visited Japan and delivered a series of lectures on the Uniform Commercial Code at the invitation of the Japanese Institute of International Business Law. While in Japan he also addressed the Legal Training and Research Institute. He was a member of the Advisory Board of the Orientation Program in American Law and taught in its summer institute. He is a member of the AALS Committee on Selected Readings in Contracts and on Foreign Exchanges of Law Teachers and Students, the Contracts Round Table Council, and the Comparative Law Round Table Council. He continued to serve as a member of the Board of Editors of the *American Journal of Comparative Law*, on the Advisory Boards of *Soviet Law and Government* and *Soviet Statutes and Decisions*, on the ABA Soviet Law Subcommittee, and on the Michigan State Bar Committee on International and Comparative Law. He was one of the principal organizers of the first Conference on Soviet Legal Studies in the United States. . . . *Professor Robert J. Harris* was elected Mayor of Ann Arbor. He was Secretary of the Washtenaw County Legal Aid Society, Co-Director of the Reginald Heber Smith Fellowship Program held at the Law School to recruit young lawyers for representation of impoverished clients, and spoke at a conference on poverty law at

Fordham University. . . . *Professor Carl S. Hawkins* was Chairman of the Committee on Civil Procedure of the Michigan State Bar; Reporter of the Michigan Supreme Court Committee on Standard Jury Instructions; was a consultant and lecturer for the District Judge and District Court Administrators Seminars; and lectured on Civil Procedure before Trial in several Michigan cities. . . . *Professor Jerold H. Israel* was Co-Reporter for the Michigan State Bar Committee for Revision of the Criminal Code, and was a member of the Governor's Special Study Committee of the Commission on Investigations. He addressed groups throughout the country on various criminal law topics. . . . *Professor John H. Jackson* was Visiting Professor on the Law Faculty, University of Delhi, India, and Consultant to the Ford Foundation on legal education in India. While in India he addressed many professional and lay groups in some twelve Indian cities on legal education, technical legal topics, and a variety of other subjects. . . . *Associate Dean Joseph R. Julin* served as President of the Ann Arbor Board of Education. He was Vice Chairman of the Committee on Continuing Legal Education, and a member of the Committees on Publications and Publicity and on New Developments in Real Estate Practice, of the Section of Real Property, Probate and Trust Law of the ABA. He was the weekly commentator on "Law in the News" for the University's Broadcasting Service and the National Educational Radio Network, and served as Chairman of the Executive Committee, Institute for Continuing Legal Education. . . . *Associate Professor Douglas A. Kahn* was a member of the ABA Tax Section. He delivered lectures on taxation topics for audiences in Michigan and in Washington, D.C. . . . *Professor Yale Kamisar* was Consultant to the National Commission on the Causes and Prevention of Violence. He was Chairman of the Committee on Rights of the Accused of the Criminal Law Section of the ABA, and served on the Advisory Committee of the American Law Institute's Model Code of Pre-Arrestment Procedure. . . . *Professor Paul G. Kauper* delivered the John A. Sibley Lecture at the University of Georgia on the subject "Human Rights: A Tide in the Affairs of Men". He was a member of the Executive Committee of the National Order of the Coif and served as a member of the Coif visitation team to the University of Arizona Law School. He is adviser to the special study committee

of the Lutheran Church in America on the taxation of churches *Associate Professor Thomas E. Kauper* was on leave after June, 1969, to serve as Deputy Assistant Attorney General, Office of Legal Counsel, United States Department of Justice. He is a member of the Antitrust Section of the Illinois State Bar Association, and of the Sections on Administrative Law, Antitrust Law, and Real Property, Probate and Trust Law of the ABA. . . . *Professor Frank R. Kennedy* continued as Reporter for the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States. He was Chairman of the Drafting Committee of the National Bankruptcy Conference, of the Committee on Organizational Relations, and of an Ad Hoc Committee to Investigate Denial of Tenure of the AAUP. He was a member of the Executive Committee, the Committees on Coordination of Uniform Commercial Code and on Revisions of the Federal Priority Statute of the National Bankruptcy Conference, of the Committees on the Uniform Commercial Code, on Secured Transactions, and on Civil Rights and Responsibilities of the ABA. He addressed groups and participated in seminars in Michigan and New York. He received the Outstanding Alumnus Award from Southwest Missouri State College in Springfield, Missouri. . . . *Professor Robert L. Knauss* served as Chairman of the University Student Relations Committee. He was a member of the Committee on Federal Regulation of Securities, of the Sub-Committee on General Accounting Problems, and of the Special Sub-Committee on Amendments to Regulations of the Federal Securities Acts, Section of Corporation, Banking and Business Law of the ABA. He is Rapporteur on Capital Formation of the American Society of International Law. He addressed groups throughout the United States, and spoke before the Institute of European Studies, University of Brussels. . . . *Assistant Professor Richard O. Lempert* continues his work leading to a doctorate in Sociology. He presented a paper before the Law Section of the Michigan Academy of Arts and Sciences. . . . *Visiting Assistant Professor Victor H. Li* delivered a paper at the Conference on Urban Society and Political Development in Modern China in St. Croix, V.I., and participated in a Conference on China and International Law, New School for Social Research in New York. . . . *Professor Arthur R. Miller* testified before the United States Senate Subcommittee on

Antitrust and Monopoly and the Subcommittee on Financial Institutions on the subject of credit bureaus, and before the Subcommittee on Constitutional Rights on government information practices. He was Director of the Computer-Assisted Instruction Project, and Chairman of the Committee on Teaching Methods of the AALS. He was Chairman of the Panel on External Affairs, Inter-university Communications Council (EDUCOM), Panel Chairman of Symposium on Computer Utility (NSF), and member of the Panel on Legal Aspects of Information Systems, Committee on Scientific and Technical Information, Office of Science and Technology. His memberships include the ABA Committee on Scientific and Economic Proof, and the Special Committee on Complex and Multi-District Litigation. He spoke before professional and lay groups on a variety of legal topics. . . .

Mrs. Virginia Nordin was Council Member of the Corporation, Finance, and Business Law Section, Michigan State Bar. She delivered a lecture before an I.C.L.E. audience on "Proving Treble Damages". . . .

Professor George E. Palmer was a member of the State Committee on Residential Care, Michigan Association for Retarded Children, and of the Interagency Committee on Mental Health. . . .

Professor William J. Pierce was President of the National Conference of Commissioners on Uniform State Laws, Executive Secretary of the Michigan Law Revision Commission, and a member of President Nixon's Consumers Advisory Council, the Board of Directors of the Council of State Governments, the ABA House of Delegates, the Institute on State Programming for the Seventies, the President's Committee on Civil Rights under the Law, and of the Michigan Insurance Commissioner's Advisory Committee on the Pooling Bill. He spoke to lay and professional groups throughout the country and testified before legislative committees of the United States Congress and of state legislatures

Professor Marcus L. Plant served as President of the National Collegiate Athletic Association (NCAA), and was Faculty Representative to the Intercollegiate (Big Ten) Conference. He is Associate Editor of the *Michigan State Bar Journal*, and a member of the Negligence and Workman's Compensation Section of the Michigan State Bar. He addressed professional audiences in Michigan and Florida. . . .

Professor Alan N. Polasky completed his service as Chairman of the ABA Real Property Section, and served

also as Chairman of the Nominating Committee, member of the Council, and of various other committees of the Section. He was a member of the Committees on Court Procedure and on Federal Estate and Gift Taxation of the ABA Section of Taxation. He was a member of the Special Committee on Income Problems of the Multi-State Commission, served on the faculty of the National Trust School of the American Bankers Association, and participated in the Federal Estate and Gift Tax Project of the American Law Institute. He testified before the House Committee on Ways and Means and before the Judicial Machinery Subcommittee of the Senate Committee on the Judiciary. His addresses before professional groups took him to fourteen states and the District of Columbia. He was moderator and participant in a series of six one-half hour television programs on Estate Planning. . . .

Associate Professor Beverley J. Pooley was appointed by the Chief Justice of the United States to the Advisory Committee on Library and Publications for the Federal Judicial Center. He conducted field research in Ghana, was Chairman of the Subcommittee on Library Schools of the Association of American Law Libraries, and delivered lectures in Michigan and Illinois. . . .

Associate Dean Roy F. Proffitt addressed alumni groups in Houston, Texas, and Columbus, Ohio. . . .

Assistant Professor Donald H. Regan was engaged in graduate study leading to a doctorate in Philosophy. He participated in the Conference on Political and Legal Philosophy of the Council for Philosophical Studies. . . .

Professor John W. Reed addressed the Annual National Conference on Higher Education in Chicago. In the course of the year he addressed professional audiences in a large number of locations throughout the country. . . .

Associate Professor Theodore J. St. Antoine was Secretary-Elect of the ABA Section of Labor Relations, and was a member of the Ann Arbor Human Relations Commission. He addressed groups on labor law topics in New York, Washington, D.C., and Norman, Oklahoma. . . .

Professor Terrance Sandalow was Assistant Reporter, American Law Institute's Model Land Development Code, and Chairman of the AALS Local Government Round Table. He lectured on local government problems in Texas and Louisiana. . . .

Professor Joseph L. Sax was Chairman of the Public Lands and Water Committee of the ABA Section of Administrative Law, a member

of the Boards of Trustees of the Center for Law and Social Policy (Washington, D.C.), the Washtenaw County Legal Aid Society, and the Washtenaw County American Civil Liberties Union. He was a Consultant to the Conservation Foundation for the 1969 Conference on Law and the Environment, and participated in the Study Conference on Research Strategies in the Behavioral and Social Sciences on Environmental Problems and Policies (National Academy of Sciences). He addressed audiences in six American colleges and universities, and made several appearances on radio and TV discussion programs. . . . *Assistant Professor Stanley Siegel* was Reporter to the Michigan Law Revision Commission for the revision of the Michigan Corporation Code. He served as Special Consultant to the United States Postmaster General in the drafting of the Postal reform bill, the "Postal Service Act of 1969" (H.R. 11750). He conducted three courses for practicing lawyers in Financial Accounting and addressed the Economics Society of Michigan on the problems of postal reform. . . . *Professor Russell A. Smith* continued as a member of the Atomic Energy-Management Relations Panel. He was a member of the AAUP Committee on Representation of Economic Interests, and of the Ethics Committee of the National Academy of Arbitrators. He was Chairman of the special subcommittee on the Code of Ethics of Arbitrators. Among his public addresses was a lecture on "Unfair Labor Practices in Public Employment" before the Governors Conference on Public Employment Relations in New York. . . . *Professor Eric Stein* was Visiting Professor at the Universities of Stockholm, Upsala, and Lund in Sweden, throughout the spring of 1969. He held a faculty seminar at the University of Oslo for the Law Faculty, led a discussion organized jointly by the U. S. Mission to the European Communities and the Legal Counsel of the European Commission in Brussels, discussed problems for legal scholars within the Atlantic Area at a meeting of the European and North American Sections of the Committee on Atlantic Studies, and participated in the Study Group established by the American Society of International Law to advise United States Representatives on the draft treaty on international law governing treaties. His memberships include the Boards of Editors of the *American Journal of International Law* and the *Common Market Review*, the British Institute of International and Comparative

Law, the Council on Foreign Affairs, the Advisory Committee of the Institute for European Studies, and the Committee on International Control of Atomic Energy, ABA Section of International and Comparative Law. He was Consultant to the Bureau of European Affairs, United States Department of State, and Titular Member of the Inter-American Institute for International Legal Studies. . . . *Professor Peter O. Steiner* was George A. Miller Visiting Lecturer at the University of Illinois. He was a member of the Joint Committee of the American Economic Association and the AALS. He served as consultant in connection with pending antitrust litigation. . . . *Dr. Andrew S. Watson* continued his memberships in the Committee to Revise the Criminal Code of the Michigan State Bar, the Committee on Law of the Group for the Advancement of Psychiatry, and the Council on Professions of the American Psychiatric Association. He was appointed to the Michigan Commission on Law Enforcement and Criminal Justice, to the Surgeon General's Advisory Commission on Television and Social Behavior, and served on the Special Advisory Committee to the Committee on Uniform Divorce and Marriage Laws, National Conference of Commissioners on Uniform State Laws. He delivered the Gifford Memorial Address at the University of Syracuse Law School. . . . *Professor Richard V. Wellman* was deeply involved in his activities as Chief Reporter to the Uniform Probate Code Project of the National Conference of Commissioners on Uniform State Laws. He also continued his work as Draftsman of the Michigan Probate Code Revision Project of the Probate and Trust Law Section of the Michigan State Bar. He continued to serve as Rapporteur for the proposed UNIDROIT conference on International Wills in Rome, and served as Special Consultant to the Office of Legal Adviser, United States Department of State, and to the Secretary of State's Advisory Committee on Private International Law in connection with a proposal from the Hague Conference to place the subject of succession on the agenda of a future conference. He spoke to audiences throughout the country on the subject of probate reform, participated in an educational TV series on Estate Planning, and addressed other professional and lay groups on legal topics. . . . *Professor James J. White* was Co-Director of the Reginald Heber Smith Program conducted at the Law School in behalf of young lawyers entering a period of

service in the poverty-law area. He was a member of the Boards of Trustees of the Washtenaw County Legal Aid Society and the Wayne County Suburban Legal Services, the Committee on Group Practice of the Michigan State Bar, the Research Committee of CLEO, and served as Consultant to the Director of OEO Legal Services. He participated in the ABA Conference on Business in the Ghetto, and spoke to bar association and alumni groups. . . . *Professor L. Hart Wright* received the Distinguished Faculty Award of the University of Michigan, and was appointed Chairman of the Board of Student Publications. He completed his service as Project Director of the Michigan Tax Procedure Project, the recommendations of which two-year study were unanimously approved by the Advisory Board. In connection with the recommendations, fifty-six implementing bills were drafted by Mrs. Elizabeth H. G. Brown for submission to the Michigan Legislature.

